

(5,511,068) under 35 U.S.C. § 102. Applicants respectfully traverse.

Claim 1 includes a step of utilizing for at least two of the data channels of the connection one common training sequence different from training sequences of other connections.

Similarly, claim 11 includes a signal processor using for at least two of the data channels of the connection one common training sequence different from training sequences of other connections.

On page 4 of the Office action, the Examiner has alleged that Sato shows using a single training sequence per connection and that the same training sequence is thus used for each channel or time slot of the connection. This assertion is incorrect. Sato does not teach using a common training sequence for at least two data channels.

It can be seen from col. 9, lines 26 to 29 that each channel in Sato has a different training sequence within the same time slot. The passage states, "The training signal series may have a pattern known in the art and may be formed by a code series peculiar to each channel so as to distinguish among the channels which use a common time slot TM". The feature in claim 1 that the same training sequence is used in different

channels of the same connection can under no circumstances be derived therefrom. Instead, the entire passage in col. 9, lines 18 to 52 cited by the Examiner does not teach that the training sequences are chosen to be the same in such a case.

The claimed invention is based on the knowledge that in a connection, it is advantageous to choose the training sequence in two channels with different spread codes to be the same.

The next point of contention regards the individual spreading code. Claim 1 specifies that the data channels can be distinguished by an individual spreading code. Claim 11 specifies that each data channel can be distinguished by an individual spreading code.

In the response to arguments on page 4 of the Office action, the Examiner asserts that it is supposedly possible in Sato for two time slots, for example, to be assigned to one connection, whereby each time slot represents one channel.

This is correct, however, the Examiner's further assertion - that in Sato an individual spreading code is assigned to each of these channels or time slots - is incorrect. The Examiner refers to Figs. 2 and 3 as well as to col. 5, lines 4 to 23. The cited test passages do not disclose any such thing.

Instead, it can be seen beginning at col. 5, line 7, that an individual spreading code c is individually assigned to the

mobile station MS1. The fact that the expression "spread codes" is listed in plural is only a typographical or translational error, as can be seen from the subsequent specification. See col. 5, line 14, and line 16, where spread code is written in singular and it is stated in lines 14-16 that this individual spread code or the "spread code sequence" has c M-chips. It can be seen from Fig. 3 that the bits 1 to N illustrated in the second line are each spread with the M -chips of the spread code c . The third line of Fig. 3 thus shows repetitions of the spread code c with M -chips for the N -bits of a time slot N . Fig. 3, however, does not pertain to the case that two time slots are assigned to the same connection. However, it follows from the above-mentioned text passage in lines 7 onward of col. 5 that the spread code c , which is specific for the individual mobile station MS1, is the same code even when several time slots are provided per connection in each of these time slots for the same mobile station MS1. Otherwise, one could no longer speak of a specific spread code c that is specific for the mobile station MS1. The Examiner's determination that in Sato each time slot of the connection of an individual mobile station has an individual spread code is incorrect.

Applicant requests that the Examiner also read the arguments presented in the previous response with regard to the training sequence and the spreading code.

In item II on page 4 of the Office action, claims 5, 7, 8, and 10 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

The indication of allowability is greatly appreciated, however, in view of the discussion above, the claims have not been rewritten.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1 or 11. Claims 1 and 11 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1 or 11, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-15 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, he is respectfully requested to telephone counsel so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,



For Applicants

Mark P. Weichselbaum
Reg. No. 43,248

MPW:cgm

June 11, 2003

Lerner and Greenberg, P.A.
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101